



U.S. Department of Justice

Immigration and Naturalization Service

D6

OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536



FILE: [REDACTED]
WAC 97 019 53631

Office: California Service Center

Date: AUG 3 2000

IN RE: Petitioner:
Beneficiary:



Public Copy

APPLICATION: Petition for Alien Fiance(e) Pursuant to Section 101(a)(15)(K) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(K)

IN BEHALF OF PETITIONER: Self-represented

Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Terrance M. O'Reilly, Director
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the Director, California Service Center, and is now before the Associate Commissioner for Examinations on a motion to reopen. The case will be remanded to the director for further action.

The petitioner is a citizen of the United States who seeks to classify the beneficiary, a native and citizen of Vietnam, as the fiancée of a United States citizen pursuant to section 101(a)(15)(K) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1101(a)(15)(K).

The director denied the petition after determining that the petitioner had failed to respond to a request for additional evidence. She advised the petitioner that although her decision may not be appealed, he may file a motion to reopen in accordance with 8 C.F.R. 103.5(a)(2).

On April 1, 1997, the petitioner filed a motion to reopen. The motion, however, is not within the jurisdiction of the Associate Commissioner. Therefore, the case will be remanded to the director for further action.

ORDER: The case is remanded for appropriate action consistent with the above discussion and entry of a new decision.